

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:15-cr-10013-JDB-1

TONYA STOLTZ,

Defendant.

ORDER CONSTRUING FILING AS MOTION TO RECONSIDER AND DENYING MOTION

In an order entered May 16, 2022, this Court denied the pro se motion of the Defendant, Tonya Stoltz, for imposition of home confinement or an alternative in lieu of incarceration. (Docket Entry (“D.E.”) 178.) She filed a notice of appeal on June 3, 2022 (D.E. 180), and it appears from the Court’s docket that her case remains pending before the Sixth Circuit. On July 17, 2022, Stoltz filed a pro se document entitled “Petition to Impose Home Confinement or Alternative in Lieu of Incarceration Due to Terminal Illness an Urgent Consensus of Tonia Stoltz and her Community.” (D.E. 183.) The Court will construe the filing as a motion to reconsider its May 16, 2022, order.

“In general, filing of a notice of appeal confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.” *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985). Thus, the district court cannot “alter the status of the case as it rests before the Court of Appeals. *United States v. Gallion*, 534 F. App’x 303, 310 (6th Cir. 2013). Because this matter is before the appellate court and the undersigned lacks jurisdiction to consider the relief sought, the motion is DENIED. *See Fed. R.*

Crim. P. 37(a)(2) (“If a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may . . . deny the motion[.]”).

The Clerk is DIRECTED to email a copy of this order to the Defendant at the address listed at D.E. 183-18.

IT IS SO ORDERED this 18th day of July 2022.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE